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EXAMINER
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ART UNIT	PAPER NUMBER
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NOTIFICATION DATE	DELIVERY MODE
12/15/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *16 September 2008*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-4,6-10,12 and 14-27* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-4,6-10,12 and 14-21* is/are rejected.

7) ☒ Claim(s) *22-27* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail. Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the following communications: amendment filed 09/16/2008.

This action is made Final.

2. Claims 1–4, 6-10, 12, 14-27 are pending in the case. Claims 1 and 7 are the independent claims.
    Claims 5, 11, and 13 are the cancelled claims. Claims 22-27 are new claims.

Allowable Subject Matter

Claims 22-27 are objected to as being dependent upon a rejected base claim, but would be
allowable if rewritten in independent form including all of the limitations of the base claim and any
intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior
art of Humpleman, Wang and Hansen all teach a process of communicating with devices on a
network and presenting the information within an interface. The reason for indicating allowable
subject matter is due to the combined features of the new dependent claims, when considered in
independent form as containing all the limitations of the base claims. The prior art of Hansen,
Humpleman and Wang teach displaying network appliances with indications of an assigned room
and the descriptive information can include friendly names, however the combined limitations of
the linked friendly name and UDN are stored in a table with the matching room information. The
information is linked to a pointer that allows the display of all the different appliances in each
room where the one appliance can be identified with the same friendly name can be located in
multiple rooms.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-4, 6, 18, 20, 22, 24, 26 are rejected under 35 U.S.C. 101 because the claimed invention

is directed to non-statutory subject matter. The first process in 101 examinations is to determine

whether a claim recited eligible subject matter and falls within one of the four classes of invention.

Claims 1-5, 7-11 reflect process claims but a process must (1) be tied to another statutory class

(such as a particular apparatus) or (2) transform the underlying subject matter to a different state

or thing *In re Bilski*. In this case, the claims clearly do not recite a process of transformation and

the claims do not tie the process to another statutory class by reciting an apparatus (See also

Diamond v. Diehr, 450 U.S. 175, *Parker v . Flook*, 437 U.S. 584, *Gottschalk v. Benson*, 409 U.S.

63 and *Cochrane v. Deener*, 94 U.S. 780). Therefore, the claims are rejected under the first test

under 35 U.S.C 101 examination because the claims do not fall into one of the four classes of

invention.

Claim Rejections - 35 USC § 103

3.   **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness**

rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere* Co., 383 U.S. 1, 148 USPQ 459 (1966),

that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.

       4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

4.   **Claims 1-4, 6-10, 12, 14-15, 18-27 are rejected under 35 U.S.C. 103(a) as being anticipated by Humpleman et al. (Hereinafter Humpleman) U.S. Patent No. 6198479 issued Mar. 6, 2001, in view of Wang et al (hereinafter Wang) U.S. Patent No. 7200683 filed August 4, 2000, in further view of Hansen et al. (hereinafter Hansen) U.S. Patent No. 7117239 filed Nov. 8, 2000.**

In regard to **Independent claim 1,** Humpleman teaches a method for displaying positions of home network appliances, comprising:

- Receiving an appliance characteristics data stream from the home network appliances connected to a home network (See Genip process and column 11, lines 20-67 and column 12, lines 1-35). Humpleman teaches a process for determining when a new device has been added to the network and receives the configuration information for the device. Humpleman teaches the browser based system communicates using interface data written in XML, HTML, JAVA, Etc (See column 5, lines 35-40). Humpleman also teaches the devices can communication via other protocols (such as UDP/IP, FTP/IP, etc See column 7, lines 37-55).

- Reading an appliance type identifier for indicating a type of each home network appliance connected to the home network and an appliance inherent identifier of the home network appliance, from the received appliance characteristics data stream (See column 13, lines 25-37). Humpleman teaches the system reads the properties file based on the device identifier to retrieve information to display the device in the network. Humpleman teaches that when the user selects the device button (See figure 10) the inherent identifiers for a service (e.g. dads TV) for such things as a TV, VCR, or CD player. From there, the system displays the controls for a VCR and CD player.

- Generating an appliance identifier by linking the read appliance type identifier with the read appliance inherent identifier (See column 13, lines 1-67 and column 15, lines 20-30). Humpleman teaches the system uses the device file list that contains identifiers to build the tree of the network. The session manager uses the tree to link services to the devices.

- Setting a position pointer for indicating a position of each home network appliance (See figure 7, column 14, lines 1-12). Humpleman teaches the user can group the devices into a room by setting a position pointer for each appliance. The Examiner relied on the definition in the present application specification of a position pointer (See PG Pub Para 39) where the position pointer indicates the location of the device in the home. In figure 7 and in the accompanying text, the user adds additional text lines to a group and/or device to describe its location.

- Reading a text object corresponding to the position pointer from a text library, wherein the text library comprises the text object for indicating positions of the home network appliances;

  combining a graphic object corresponding to the appliance identifier with the text object corresponding to the position pointer (See column 13, lines 25-67 and column 15, lines 8-12 and 49-67). Humpleman teaches reading the device list file that contains the room information established by the user and having text associated with the icon for the given device (See column 14, lines 5-12) and also the (user.html file) can be considered a text object associated with the device. A list file can be considered a library of text objects as this list file contains the list of all the devices organized by name. The name information contains location information embedded in it. For Example, Humpleman teaches the user selects "Dads TV" and the logo, name, and file associated with the icon as accessed. Further, (See Fig. 10), the control panel for the device contains the Name that indicates the location, which is stored in the device list file. The display also shows preferences, which is where the location for the device is established and stored in the top level home

page as described in column 13. Humpleman shows an example where the device link

page (Fig. 5a) is selected and the page shows a graphical object combining the

appliance identifier with the text object that **corresponds** to the position pointer (See Fig.

7).

- Displaying the combined graphic and text object on a screen (See figure 6-7).

Humpleman does not expressly teach

Wherein the text object is displayed on a certain portion of the graphic object

corresponding to the appliance identifier, and a text size of the appliance identifier is adjustable.

However, Wang teaches a system for providing user interfaces for devices connected to a

network (See Figure 5). Wang teaches a process of displaying the text of an object, that includes

the name, and the object is a graphic object indicative of the appliance it represents. The text can

be adjusted via a style sheet command to allow user defined fonts and sizes (See column 11,

lines 14-30 and column 30, lines 1-35). Wang teaches the graphic icons can be used to represent

status, **user configured settings,** or manufactures formats (See column 12, lines 24-37). Wang

teaches the user configurable setting can be one of device location (See table 2, column 13, lines

40-45). Wang also teaches the text (name) of an object is displayed below the icon, and

represents a certain portion of the graphical object (See column 13, lines 1-21 and column 30,

lines 1-35). Moreover, Wang teaches that the Name, icon and logo maximum sizes can be

arranged to facilitate design of the GUI, which suggests that the graphical layout of the text as

well as the icon and logo are used and displayed on the screen. Wang and Humpleman both

teach displaying devices discovered on a home network. Humpleman and Wang both teach using

other protocols for device discovery that include the UDP/IP format, which would appear include

the friendly name and UDN numbers. Humpleman in view of Wang do not expressly teach or

recite:

- Wherein the appliance identifier is a friendly name and the appliance inherent identifier is

  a universal domain number (UDN), and

- <u>Wherein the friendly name and the UDN are linked together to identify different</u>

    <u>appliances</u>

However, is the same problem solving area of identifying devices on a home network,

Hansen teaches a system of using a processor located on a remote device to communicate the

status of the device to a remote server. The communication is a self descriptive XML language

message that contains data variables that describe the device and the state of the device (See

column 3, lines 15-60). Humpleman teaches a similar process of communicating with devices

using messages written in XML (See column 4, lines 12-30 and column 6, lines 10-30). Wang

also teaches (See column 5, lines 35-50 and column 7, lines 35-50). Therefore, the structure for

communicating via XML data files is a common structure across all three references. Further,

Wang and Humpleman teach using the XML files to display information regarding the devices in a

main portal page. Hansen also teaches an alternative embodiment where a web client is used

and the server receives HTTP messages comprising XML code. The XML code of Hansen

includes the device friendly name and UDN number (See column 8, lines 1-15), and are linked as

information describing the device (See also column 8, lines 30-67). Hansen, Humpleman and

Wang all teach a process of monitoring devices on a network and accessing or receiving

information about the device to present to the user. All three references teach monitoring devices

in the home.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the

invention, having the teachings of Humpleman, Wang and Hansen in front of them, to modify the

system of Humpleman to include an ability to adjust the font size of a text object associated with a

graphic object and then displaying the text in a certain portion of the graphical object for the

purposes of indicating a position of the appliance represented by the graphic object in a users

home. The suggestion to combine comes from A) Wang shows displaying a name input by a user

indicating a position (See column 12, lines 50-67). b) Wang teaches the process of adjusting the

font size of the text for a given device that is to be displayed in a webpage for the purposes of

adjusting the layout of the screen to fit all of the devices connected on the network. c). Wang

teaches the user configurable settings include a device location and the settings are stored in a device configuration summary homepage and the attributes of a device have a device location and a name that are configurable (See column 13, lines 40-45). Further, to modify the information communicated in Humpleman and Wang's (See figure 9c) device description information (See Wang column 30, lines 1-67) where the device contains the information to be presented to the user, as Wang suggests, with the device generated information of Hansen for the purposes of describing the device connected to the network and its state. The motivation to combine comes from Wang as it discloses a similar mechanism for device determination and discovery and presentation of information in a browser. Humpleman is also a co-inventor of the Wang patent. Moreover, the direct suggestion comes from the Wang where dynamic control of multiple devices located on several networks can be controlled by a single interface written in HTML that accesses a directory of files and attributes in a similar manner to present the user with controls to operate machines organized in rooms of a house. Wang also suggests that it is the device that presents the information to the server and Hansen shows a specific example of communication between the device and the server where the data communicated contains XML data that includes a UDN number with a friendly name to identify the device. The motivation in Hansen to combine with Wang and Humpleman is suggested where the purpose of providing the status of the device even when a computer not on the same network or one that cannot connect to the remote device can still receive the status of the device (See column 1, lines 40-60). Wang specifically suggests that the 1394 scheme of communication is not dependent on a single device type and allows for multiple configuration of devices and communications protocols (See column 30, lines 40-51) and Hansen provides a specific example of a system that can communicate with devices that may not communicate with it for the purposes of providing an HTML page written in XML, which is universally understood.

With respect to **dependent claim 2,** Humpleman teaches the method wherein the appliance identifier indicates a model name and a serial number of the home network appliance (See column 10, lines 1-10).

With respect to **dependent claim 3,** Humpleman teaches the method wherein the appliance inherent identifier indicates a serial number of the home network appliance (See column 10, lines 1-10 and column 11, lines 25-40). A dedicated IP address along with a model number can be considered a serial number. Given the device list and the arbitration protocol that distinguishes each device from one another, identification of devices can be made even if similar devices are connected to the network (See column 11, lines 9-35).

With respect to **dependent claim 4,** Humpleman teaches the method wherein the position pointer indicates positions of the different types and the same type of home network appliances (See figure 7 and column 14, lines 1-12). The user can configure the network as they see fit were items can be in one room or they can be placed in similar bin for the same device types.

With respect to **dependent claim 6,** Humpleman teaches the method wherein the displaying step displays the combined graphic and text object on the screen in order to make a user easily recognize a home network appliance to control (See Figure 7 and column 14, lines 1-10). Humpleman teaches the user can assign text to an item and the device already has an Icon that is considered a graphical object.

In regard to **claims 7-10 and 12,** claims 7-10 and 12 reflect the apparatus comprising computer readable instructions for performing the steps of method claims 1-4, and 6, respectively, and are rejected along the same rationale.

With respect to **dependent claim 14,** Humpleman teaches the apparatus wherein the appliance identifier-generating unit includes:

- A network interface module for receiving the appliance characteristics data streams stream from the home network appliances (See DHCP server, Column 11, lines 7-31).
- A stream processing module for reading an appliance type identifier and a product the appliance inherent identifier from the received appliance characteristics data stream and

generating an the appliance identifier by linking the read appliance type identifier with the

~~product~~ appliance inherent identifier (See column 13, lines 25-37). Humpleman teaches

the system reads the properties file based on the device identifier to retrieve information

to display the device in the network. Humpleman teaches that when the user selects the

device button (See figure 10) the inherent identifiers for a service (e.g. dads TV) for such

things as a TV, VCR, or CD player. From there, the system displays the controls for a

VCR and CD player.

- A text library for storing the appliance identifier generated in the stream-processing

  module (See Device List File, column 11, lines 45-67 and GENIP database, column 12,

  lines 10-35).

Humpleman does not expressly teach:

A text processing module for adjusting the text size of the appliance identifier stored in the text

library according to the preset font file

Humpleman teaches a process using a standardized presentation process, by using HTML files

that keeps the Icons and logos the same size in the display for easier presentation, which can

include text processing when the model number of the device is included with the logo (See

column 6, lines 55-67 and column 9, lines 55-60 and column 10, lines 25-35 and column 14, lines

1-15). However, as indicated above, the combined limitation of claim 14, which is similar to claim

1, reflects the text object displayed on a certain portion of the graphic object corresponding to its

position in the home. Humpleman does not expressly recite adjusting according to a pre-set font.

However, this limitation would have been obvious to one of ordinary skill in the art at the time of

the invention in view of Wang, because Wang suggests that fonts can be adjusted (See column

13, lines 1-21). The motivation to combine comes from Wang as it discloses a similar mechanism

for device determination and discovery and presentation of information in a browser. Humpleman

is also a co-inventor of the Wang patent. Moreover, the direct suggestion comes from the Wang

where dynamic control of multiple devices located on several networks can be controlled by a

single interface written in HTML that accesses a directory of files and attributes in a similar

manner to present the user with controls to operate machines organized in rooms of a house.

With respect to **dependent claim 15,** Humpleman teaches the apparatus wherein the stream-processing module includes:

- A preprocessor for parsing the appliance characteristics data stream received from the network interface module (See column 12, lines 9-37). The GENIP process can be considered a pre-processor as it maintains a pre-defined list of devices and polls the device set prior to the DHCP server having the device in the device list. Once the GENIP process id's the device then the DHCP server extracts the information for the system.

- A buffer for storing the appliance characteristics data stream parsed in the preprocessor (See column 12, lines 35-40). The system would use memory to write a new database list and replace the old once the new device was detected in the GENIP process.

- A buffer manager for storing the appliance characteristics data stream parsed in the preprocessor in the buffer and outputting a register signal corresponded to the temporarily stored appliance characteristics data stream (See column 12, lines 1-67). The GENIP process outputs a signal to the devices where the common directory of the device list database is stored (See column 12, lines 40-52).

- A generator for reading the appliance type identifier and the product inherent identifier from the appliance characteristics data stream stored in the buffer according to the register signal outputted from the buffer manager and generating the appliance identifier by linking the read appliance type identifier to the product inherent identifier (See column 13, lines 25-37). Humpleman teaches the system reads the properties file based on the device identifier to retrieve information to display the device in the network. Humpleman teaches that when the user selects the device button (See

figure 10) the inherent identifiers for a service (e.g. dads TV) for such things as a TV,

VCR, or CD player are identified to the user and the system. From there, the system

displays the controls for a VCR and CD player. Another interpretation provides that

the IP address is determined for a given device (See column 11, liens 1-30) and with

the device comes a set a predefined properties of the device that can include a host

of inherent identifiers.

In regard to claims **18 and 20,** claims 18 and 20 appear to contain substantially similar

subject matter as claim 1 where an appliance on a home network has a type identifier

and a position identifier along with a text object with adjustable text. As indicated above,

Humpleman in view of Wang, teach a structure for displaying a graphic object (See

Humpleman figure **7,** Sony). Humpleman shows text associated with the Sony graphic

where the text is "living room". Humpleman does not suggest allowing the font of the text

to be adjustable. However, Wang teaches that style sheets can be used to present

device information, where the user can ultimately adjust the size of the font to their

desire. The teachings of Wang and Humpleman are combinable for the reasons

mentioned in claim 1.

In regard to **Claims 19 and 21,** claims 19 and 21 reflect the apparatus comprising

computer readable instructions for performing the method claims 18 and 20, respectively,

and are rejected along the same rationale.

6.   **Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman**

et al. (Hereinafter Humpleman) U.S. Patent No. 6198479 issued Mar. 6, 2001, in view of

Wang et al (hereinafter Wang) U.S. Patent No. 7200683 filed August 4, 2000, in view of

Hansen et al. (hereinafter Hansen) U.S. Patent No. 7117239 filed Nov. 8, 2000, in further

view of Humpleman (Hereinafter Humpleman') U.S. Patent No. 6546419 issued Apr. 8, 2003.

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In regard to **dependent claims 16 and 17,** as indicated in the above discussion, Humpleman in view of Wang in further view of Hansen teaches every limitation of claim 15.

Humpleman teaches the wherein the position matching unit includes a position matching module for matching the appliance identifier indicated by the indicating module to a pertinent position pointer according to a user operational key signal (Humpleman Figure 7-8, 10 and column 15, lines 5-55). Humpleman shows the user can group the devices as they see fit on the display, which is a position indicator. The device link page 710 would show the grouping in the interface as shown in figure 7. The user selects the device with the pointer and figure 10 is displayed. Humpleman teaches a text library for storing a text object corresponded to the position pointer recorded in the position list and a graphic library for storing a graphic object corresponded to the appliance identifier and a storing module for storing the text object and the graphic object read by the library managing module (See GENIP process column 12, lines 1-35 and DHCP discovery process column 11, lines 20-67 and column 7, lines 34-67). Humpleman shows the discovery process can read a device profile, extract the HTML files containing properties of the device, a logo and Icon (graphic) along with text describing the device and stores the information in the device list database. The GENIP process is a and discovery process is a managing module for reading the appliance identifier matched to the pertinent position pointer by searching the position list according to a display request signal generated by the use because the user can organize the devices into groups and the group information is stored in the device list. The device list and database area a library managing module for reading the graphic object for indicating the appliance identifier read in the list in the managing module from the graphic library and the text object matched to the appliance identifier from the text library because a given devices GUI is matched to the database of items and then the GUI is displayed in the system of Humpleman. Humpleman teaches that text items can be saved along with the graphical object (See column 14, lines 1-15) where the text entered by the user will be displayed in the interface along with the logo where the user has grouped them, which is a given position. The display of Humpleman contains a

display that displays the graphical position of the item on the screen (See figure 7). Wang

also teaches defining a device location in a configuration setting page and where the device

location is implied in the name (See column 13, lines 1-21 and Table 2).

Humpleman in view of Wang in further view of Hansen does not expressly teach a position

matching table set so as to record the appliance identifier according to a position pointer and

an indicating module for indicating the appliance identifier adjusted in the text processing

module and the position pointer set in the position matching table and a matching table

managing module for distinguishing the home network appliances by recording the appliance

identifier on the position matching table by the position pointer according to the information

matched in the position matching module. However, these limitations would have been

obvious to one of ordinary skill in the art at the time of the invention, in view of Humpleman',

because Humpleman' teaches the use of an attributes table that contains both the device ID

and the device location. Further, Humpleman' teaches the device manager can use the table

to match the device capabilities to provide a service (See column 9, lines 35-67 and column

10, lines 1-20). Humpleman' teaches the use of the table is for the purpose of storing location

information along with other attributes. The motivation to combine Humpleman, Wang, and

Hansen with Humpleman' comes from the suggestion in Humpleman' that multiple devices

can be on a home network and a need exists to allow the user to match a given service to a

given device and deliver the service to the user device of choice that is located in the place

the user most desires (See column 2, lines 20-37). The two Humpleman references and the

Wang reference teach the process of identifying the devices on a home network. The

Humpleman's both teach the GENIP or IP addressing and contain similar teachings in their

disclosures and the Humpleman' references are an extension over the previous reference.

Therefore, the structure of both references provides for a reason and rationale to combine the

references.

A reference to specific paragraphs, columns, pages, or figures in a cited prior art reference is not limited to preferred embodiments or any specific examples. It is well settled that a prior art reference, in its entirety, must be considered for all that it expressly teaches and fairly suggests to one having ordinary skill in the art. Stated differently, a prior art disclosure reading on a limitation of Applicant's claim cannot be ignored on the ground that other embodiments disclosed were instead cited. Therefore, the Examiner's citation to a specific portion of a single prior art reference is not intended to exclusively dictate, but rather, to demonstrate an exemplary disclosure commensurate with the specific limitations being addressed. In re *Heck*, 699 F.2d 1331, 1332-33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re *Lemelson*, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)). In re: *Upsher-Smith Labs. v. Pamlab, LLC*, 412 F.3d 1319, 1323, 75 USPQ2d 1213, 1215 (Fed. Cir. 2005); In re *Fritch*, 972 F.2d 1260, 1264, 23 USPQ2d 1780, 1782 (Fed. Cir. 1992); *Merck & Co. v. Biocraft Labs., Inc.*, 874 F.2d 804, 807, 10 USPQ2d 1843, 1846 (Fed. Cir. 1989); In re *Fracalossi*, 681 F.2d 792,794 n.1,215 USPQ 569, 570 n.1 (CCPA 1982); In re *Lamberti*, 545 F.2d 747, 750, 192 USPQ 278, 280 (CCPA 1976); In re *Bozek*, 416 F.2d 1385, 1390, 163 USPQ 545, 549 (CCPA 1969).

Response to Arguments

Applicant's arguments with respect to claims 1–4, 6-10, 12, 14-21 have been considered but are

not persuasive. The applicant's arguments are presented in light of the amendments made to the

claims where the prior art, in light of the new amendment, do not address the amended

limitations. However, the amendment required a new interpretation of the art along with a new

reference and therefore the arguments are now considered moot in light of the new grounds of

rejection. Claims 22-27 have been objected to for depending from rejected claims. See allowable

subject matter above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office

action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from

the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the

mailing date of this final action and the advisory action is not mailed until after the end of the

THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the

date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the statutory

period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner

can normally be reached on M, W, F 10:00AM - 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where

this application or proceeding is assigned is 571-273-8300.

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